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SUMMARY OF CASES ACCEPTED
DURING THE WEEK OF MARCH 20, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-29 People v. Dacayana, S085498. (B122454; 76 Cal.App.4th 1334.) Petition for review after the Court of Appeal affirmed an order of commitment as a sexually violent predator. The court ordered briefing deferred pending decision in People v. Torres, S079575 (#99-124), which concerns whether the finder of fact in a sexually violent predator proceeding must determine whether the prior acts were predatory.

#00-30 Flanagan v. Flanagan, S085594. (B122810; 77 Cal.App.4th 122.) Petition for review after the Court of Appeal modified and affirmed the judgment in a civil action. This case concerns whether a "confidential communication" within the meaning of the proscription on recording such communications without consent encompasses any communication that the participants do not intend to be overheard as it occurs or if it is limited to those communications that were also intended to remain secret. (See Pen. Code, § 632.)

(over)

#00-31 <u>People v. Leyran</u>, S085345. (B128175.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order denying a motion to vacate judgment. The court ordered briefing deferred pending decision in <u>People v. Superior Court (Zamudio)</u>, S073031 (#98-158), which concerns whether a non-citizen, whose guilty plea was not accompanied by the full advice on possible immigration consequences required by Penal Code section 1016.5, is entitled to withdraw that plea without a showing of prejudice.

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